



# Department of Environmental Protection

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December 4<sup>th</sup>, 2023

## IMPORTANT INFORMATION

### LEAD AND COPPER RULE REVISIONS NOTICE SERVICE LINE INVENTORY COMPLIANCE SURVEY

Dear Community and Non-Transient Non-Community Public Water Supplier,

On March 16<sup>th</sup>, 2021, the Federal Environmental Protection Agency (EPA) promulgated the Lead and Copper Rule Revisions (LCRR) which will require all Community (COM) and Non-transient Non-Community (NTNC) public water systems (PWS) to submit a service line inventory (SLI) by the compliance date of **October 16<sup>th</sup>, 2024**.

The inventory must include all service lines connected to the PWS distribution system regardless of ownership status, and regardless of the current use (potable and non-potable). **Please be aware that systems that do not have any lead service lines are still required to submit the SLI by October 16, 2024.** For more information about the SLI requirements see <https://www.mass.gov/doc/getting-ready-for-the-lead-and-copper-rule-revisions-lead-service-line-inventories/download>

The Massachusetts Department of Environmental Protection (MassDEP) is committed to continuing efforts to address lead service lines and exposure to lead in drinking water and to work with PWS to meet the MassDEP public health protection goal of removing all lead service lines in five years. Therefore, the Drinking Water Program is encouraging PWS **to submit their draft SLI by April 1, 2024**. This would give PWS time to complete and submit the inventories and receive MassDEP's review and technical assistance, if needed, before the PWS regulatory deadline.

For any MA water systems subject to the LCRR which anticipate being unable to achieve full compliance with the LCRR SLI requirement by the October 16, 2024 deadline, MassDEP has developed a compliance plan option. Interested systems can work with us ahead of the deadline to enter into a compliance plan prior to the expected compliance deadline violation.

## **ACTION REQUESTED – COMPLETE AND SUBMIT LCRR COMPLIANCE SURVEY**

**By December 15<sup>th</sup>, 2023**, to help you to comply or plan for compliance with the LCRR SLI deadline, please complete and submit the following survey **which contains questions pertaining to your PWS expected submission date of your system’s SLI**. Surveys must be submitted by email to the MassDEP Drinking Water Program at [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov).

**Access the Survey Here: <https://www.mass.gov/forms/lead-and-copper-rule-revisions-service-line-inventory-compliance-plan-survey-form>**

**What if your PWS knows that it will not be able to complete and submit to MassDEP a LCRR SLI by October 16, 2024?**

## **PWS POTENTIAL VIOLATIONS AND COMPLIANCE PLANNING**

Even if you enter into a compliance plan with MassDEP, if your SLI is not submitted by October 16<sup>th</sup>, 2024, **it will be a violation of the USEPA LCRR regulations, and your PWS will be in non-compliance with the federal LCRR implemented by the USEPA**. However, a compliance plan could be considered by USEPA in any enforcement decision regarding the violation. Therefore, we are advising all PWS that may not be ready for submission of their LCRR SLI by the compliance date to enter into a compliance plan with MassDEP by signing an Administrative Consent Order (ACO) for the submittal of the SLI. Entering into a compliance plan with MassDEP prior to the implementation date of the LCRR will allow the PWS to work on a schedule for compliance that is acceptable to both MassDEP and the PWS while the PWS take actions to address the expected violation. If you are interested in entering into a compliance plan with MassDEP please indicate your interest in the above-mentioned survey.

## **AVAILABLE RESOURCES**

MassDEP recognizes that developing a SLI may be challenging tasks for PWS and therefore has developed various funding and assistance opportunities to aid with submission of a SLI in a timely manner, before the deadline of October 16<sup>th</sup>, 2024. These opportunities include:

- **Lead Service Line Inventory and Replacement Plan Grant Program**

The Massachusetts Clean Water Trust, in collaboration with MassDEP, are making State Revolving Funds (SRF) available to support a lead SLI and replacement plan grant program. MassDEP is accepting grant applications, on a rolling basis, while funding is available. Eligible activities for these planning programs include:

- Completing a comprehensive SLI for both public and private portions of the service line that will be made publicly available
- Preparing a Lead Service Line replacement program for the PWS that complies with the LCRR
- The application for this program can be found on MassDEP’s website under the section titled “Loan and Grant Applications for Lead Service Line Replacement.” This section also includes the SRF Lead Service Line Replacement Financial Assistance application for a 0% interest rate loan for the replacement of lead services lines for both public and private proportions.

<https://www.mass.gov/lists/state-revolving-fund-applications-forms#loan-and-grant-applications-for-lead-service-line-replacement>

OR <https://tinyurl.com/SRF-Applications>

- **Assistance for Small Community Water Systems and Non-Transient Non-Community Systems - Lead Service Line Planning Program**

This program is available for Public Water Systems serving a population of less than 10,000. MassDEP will use set-aside funding from the DWSRF Lead Service Line Replacement Grant to contract with a qualified technical assistance provider to complete eligible planning projects working with the PWS.

To apply, just complete the survey available at: <https://www.mass.gov/forms/massdep-service-line-inventory-and-lead-service-line-replacement-plan-technical-assistance-survey> OR <https://tinyurl.com/Small-System-Survey>

- **Massachusetts Free Pilot Program for School and Early Education and Care Facilities (EECF) Testing Ahead of LCRR**

As you may be aware, beginning in October 2024, all community water systems must offer to test and conduct sampling in at least 20% of the elementary schools and 20% early education and care facilities per year in their service area for lead and ensure that all facilities are initially offered testing within 5 years. To assist water systems, MassDEP has launched a FREE testing pilot program for systems that apply and are selected.

For more information about this Pilot Program, and to apply, you can contact [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov) with the subject: PWS Pilot program for Lead in Schools.

## **LEAD AND COPPER RULE IMPROVEMENTS (LCRI) SLI REQUIREMENTS THAT MAY IMPACT YOUR SLI.**

The proposed LCRI has been announced by EPA on November 30<sup>th</sup>, 2023. For information on the proposed LCRI, see EPA's webpage here: [Proposed Lead and Copper Rule Improvements | US EPA](#). This proposed regulation has provided new information that may affect your service line inventory and methods for verifying service lines. Please pay attention to the following LCRI proposals:

- **Connector Requirements**

The proposed LCRI will require PWS to develop a baseline inventory, **due 3 years after the promulgation of the final LCRI**, that will include identification of service lines materials **AND** identification of **connectors**, such as pigtails and goosenecks. The connectors information is NOT required under the current initial LCRR SLI due October 16<sup>th</sup>, 2024, even though it is MassDEP's current practice to encourage PWSs to include identification of connectors materials, when known, in their SLI. Having this upcoming change in mind, MassDEP **strongly recommends** that PWS track connector materials with their current inventory, to reduce or eliminate the workload of having to re-create their LCRI inventory in the future.

- **Verification Methods**

The LCRI is proposing a requirement for all systems to **validate the accuracy** of non-lead service lines that have not been verified via a **records review or visual inspection** of at least two points along the service line. Under the proposed requirements, to confirm their status as non-lead, PWS will need to validate the accuracy of their service line materials by performing a two-point inspection of the service line on a percentage of non-lead service lines randomly selected from a validation pool.

This validation will need to be completed no later than 7 years after the LCRI compliance date, or at an earlier date required by MassDEP. **For more information on the validation requirements, see here: [FACT SHEET \(epa.gov\)](https://www.mass.gov/forms/lead-and-copper-rule-revisions-service-line-inventory-compliance-plan-survey-form).**

- **Location Identifiers**

The proposed LCRI will require systems to include a **street address** with each service line and connector.

Thank you for your continued work to provide safe drinking water and protect the public health. Please remember to complete and return your survey by the December 15<sup>th</sup> at <https://www.mass.gov/forms/lead-and-copper-rule-revisions-service-line-inventory-compliance-plan-survey-form>.

If you have any question on this information please contact the MassDEP/Drinking Water Program at [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov) , Subject: LCRR –Compliance Planning.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yvette DePeiza', written in a cursive style.

Yvette DePeiza  
Program Director  
MassDEP/DWP

Attachment: Copy of LCRR Compliance Survey